

Whereas as a result of Mr. Rogers' motion and vote on the Murtha earmark, the Gentleman from Pennsylvania, Mr. Murtha subsequently threatened to withdraw support for earmarks providing funding for projects located in the Gentleman from Michigan's district;

Whereas on May 17, 2007, in the House Chamber, the Gentleman from Pennsylvania stated, in a loud voice words to the effect, to the Gentleman from Michigan as a result of offering and voting for the motion to recommit, "I hope you don't have any earmarks in the defense appropriation bill because they are gone and you will not get any earmarks now and forever.";

Whereas the Gentleman from Michigan responded, in words to the effect, "this is not the way we do things here and is that supposed to make me afraid of you?";

Whereas the Gentleman from Pennsylvania raised his voice, pointed his finger and stated, in words to the effect, "that's the way I do it.";

Whereas the gentleman from Pennsylvania (Mr. Murtha) is the ninth most senior member of Congress, whose seniority ranks him over 426 of his 433 colleagues in the House;

Whereas the gentleman from Pennsylvania chairs the Appropriations Subcommittee on Defense;

Whereas the gentleman from Pennsylvania (Mr. Murtha), the second-ranking and second longest serving Democrat on the Appropriations Committee, has been described in numerous media accounts as a master of the legislative process and an expert on earmarks; and

Whereas the gentleman from Pennsylvania (Mr. Murtha) has stated that he is a former member of the House Committee on Standards of Official Conduct, whose members are among the most knowledgeable in the House concerning the ethical obligations of Members of Congress: Now, therefore, be it

Resolved, That the Member from Pennsylvania, Mr. Murtha has been guilty of a violation of the Code of Official Conduct and merits the reprimand of the House for the same.

□ 1900

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Michigan will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will resume. There was no objection.

STAFF SERGEANT MARVIN "REX" YOUNG POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill, H.R. 1425, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1425.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 0, not voting 47, as follows:

[Roll No. 385]

YEAS—385

Abercrombie	Cuellar	Hobson
Ackerman	Culberson	Hodes
Aderholt	Cummings	Hoekstra
Alexander	Davis (AL)	Holden
Allen	Davis (CA)	Holt
Altmire	Davis (IL)	Honda
Andrews	Davis, David	Hooley
Arcuri	Davis, Jo Ann	Hoyer
Baca	Davis, Lincoln	Inglis (SC)
Bachmann	Davis, Tom	Inslee
Bachus	Deal (GA)	Israel
Baker	DeFazio	Issa
Baldwin	Delahunt	Jackson (IL)
Barrett (SC)	DeLauro	Jackson-Lee
Barrow	Dent	(TX)
Bartlett (MD)	Diaz-Balart, M.	Jefferson
Barton (TX)	Dicks	Jindal
Bean	Dingell	Johnson (GA)
Becerra	Donnelly	Johnson (IL)
Berkley	Doolittle	Johnson, E. B.
Berman	Doyle	Johnson, Sam
Berry	Drake	Jones (NC)
Biggert	Dreier	Jordan
Bilbray	Duncan	Kagen
Bilirakis	Edwards	Kanjorski
Bishop (GA)	Ehlers	Kaptur
Bishop (NY)	Ellison	Keller
Bishop (UT)	Ellsworth	Kennedy
Blackburn	Emanuel	Kildee
Blunt	Emerson	Kilpatrick
Boehner	Engel	King (IA)
Bonner	English (PA)	Kingston
Bono	Eshoo	Klein (FL)
Boozman	Etheridge	Kline (MN)
Boren	Everett	Knollenberg
Boswell	Fallin	Kucinich
Boucher	Farr	Kuhl (NY)
Boustany	Fattah	Lamborn
Boyd (FL)	Feeney	Lampson
Boyda (KS)	Ferguson	Langevin
Brady (PA)	Finler	Lantos
Braley (IA)	Flake	Larsen (WA)
Brown (SC)	Forbes	Larson (CT)
Brown-Waite,	Fossella	Latham
Ginny	Fox	LaTourette
Burgess	Frank (MA)	Lee
Burton (IN)	Franks (AZ)	Levin
Butterfield	Frelinghuysen	Lewis (CA)
Calvert	Gallely	Lewis (GA)
Camp (MI)	Garrett (NJ)	Lewis (KY)
Campbell (CA)	Giffords	Linder
Cannon	Gillibrand	Lipinski
Cantor	Gillmor	LoBiondo
Capito	Gingrey	Loeb
Capps	Gohmert	Lowey
Capuano	Gonzalez	Lucas
Cardoza	Goode	Lungren, Daniel
Carnahan	Goodlatte	E.
Carney	Gordon	Lynch
Carter	Granger	Mack
Castle	Graves	Mahoney (FL)
Castor	Green, Al	Maloney (NY)
Chabot	Green, Gene	Manzullo
Chandler	Hall (NY)	Markey
Clarke	Hall (TX)	Marshall
Cleaver	Hare	Matheson
Clyburn	Harman	Matsui
Coble	Hastert	McCarthy (CA)
Cohen	Hastings (FL)	McCarthy (NY)
Cole (OK)	Hastings (WA)	McCaul (TX)
Conaway	Hayes	McCollum (MN)
Conyers	Heller	McCotter
Cooper	Hensarling	McCrery
Costa	Herger	McDermott
Courtney	Hereth	McGovern
Cramer	Higgin	McHenry
Crenshaw	Hill	McHugh
Crowley	Hinchey	McIntyre
Cubin	Hirono	McKeon

McNerney	Putnam	Snyder
McNulty	Radanovich	Solis
Meehan	Rahall	Souder
Meek (FL)	Ramstad	Space
Meeks (NY)	Rangel	Spratt
Melancon	Regula	Stark
Mica	Rehberg	Stearns
Michaud	Reichert	Sutton
Miller (FL)	Renzi	Tancred
Miller (MI)	Reyes	Tauscher
Miller (NC)	Reynolds	Taylor
Miller, Gary	Rodriguez	Terry
Miller, George	Rogers (AL)	Thompson (CA)
Mitchell	Rogers (KY)	Thompson (MS)
Mollohan	Rogers (MI)	Thornberry
Moore (KS)	Rohrabacher	Tiahrt
Moore (WI)	Ros-Lehtinen	Tiberi
Moran (KS)	Roskam	Tierney
Moran (VA)	Ross	Turner
Murphy (CT)	Rothman	Udall (CO)
Murphy, Patrick	Roybal-Allard	Udall (NM)
Murphy, Tim	Ruppersberger	Van Hollen
Musgrave	Ryan (OH)	Velázquez
Myrick	Ryan (WI)	Visclosky
Nadler	Salazar	Walberg
Napolitano	Sali	Walden (OR)
Neal (MA)	Sánchez, Linda	Walsh (NY)
Neugebauer	T.	Walz (MN)
Nunes	Sarbanes	Wasserman
Oberstar	Saxton	Schultz
Obey	Schakowsky	Waters
Olver	Schiff	Watson
Ortiz	Schmidt	Watt
Pallone	Schwartz	Waxman
Pascarell	Scott (GA)	Weiner
Pastor	Scott (VA)	Welch (VT)
Paul	Sensenbrenner	Weldon (FL)
Payne	Serrano	Weller
Pearce	Sessions	Westmoreland
Perlmutter	Sestak	Whitfield
Peterson (MN)	Shadegg	Wicker
Petri	Shea-Porter	Wilson (NM)
Pickering	Sherman	Wilson (OH)
Pitts	Shuler	Wilson (SC)
Platts	Sires	Wolf
Poe	Skellton	Woolsey
Pomeroy	Slaughter	Wu
Porter	Smith (NE)	Wynn
Price (GA)	Smith (NJ)	Yarmuth
Price (NC)	Smith (TX)	Young (AK)
Pryce (OH)	Smith (WA)	Young (FL)

NOT VOTING—47

Akin	Gilchrest	Pence
Baird	Grijalva	Peterson (AK)
Blumenauer	Gutierrez	Royce
Brady (TX)	Hinojosa	Rush
Brown, Corrine	Hulshof	Sanchez, Loretta
Buchanan	Hunter	Shays
Buyer	Jones (OH)	Shimkus
Carson	Kind	Shuster
Clay	King (NY)	Simpson
Costello	Kirk	Stupak
Davis (KY)	LaHood	Sullivan
DeGette	Lofgren, Zoe	Tanner
Diaz-Balart, L.	Marchant	Towns
Doggett	McMorris	Upton
Fortenberry	Rodgers	Wamp
Gerlach	Murtha	Wexler

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Monday, May 21, 2007, I was absent from the House for medical reasons. Had I been present I would have voted: On rollcall No. 384—"yea"; on rollcall No. 385—"yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 384 and 385.

HONORING PRIVATE FIRST CLASS JONES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as many of us have been doing over the past couple of years and months, I paid tribute to a fallen soldier in my district this past weekend. Private First Class Jones was young and vibrant and loved by his family. Those who loved him had to bury him, for he is another of those now fallen from the violence in Iraq. We pay tribute to him for his great service and his love of country.

It is time now for America to love her own even more. It is time for our soldiers to come home. As we prepare for the honoring of those fallen in many wars, it becomes more than a disservice to those brave men and women for the President not to join this Congress in the resolution of this misdirected mission, in order to ensure that our troops come home with accolades and recognition because their mission has been successful.

The political mission is a failure, and it's time now for us to vote on a supplemental that has benchmarks and, as well, timelines to redeploy our troops, whether to Kuwait or otherwise. Our troops must come home. I pay tribute to the fallen. I pay tribute to Private First Class Jones.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HILL). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1915

THE MYSTERIOUS MURDER OF TOM WALES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, in recent months, the American people have been riveted by the disclosure surrounding the firing of eight U.S. Attorneys, including John McKay of my hometown of Seattle.

The other day, the number two person at the Justice Department testified before the Senate Judiciary Committee. Even in jaded Washington, D.C., the revelations were so shocking

that the Washington Post published an editorial, which I submit for printing in the RECORD. Let me read part of it.

"James B. Comey, the straight-as-an-arrow former number two official of the Justice Department, yesterday offered the Senate Judiciary Committee an account of Bush administration lawlessness so shocking it would have been unbelievable coming from a less reputable source."

The American people understand that political appointees are a fact of life when a new President takes office, but the American people demand that competence and integrity overrule political party affiliation.

The Justice Department has thousands of dedicated public servants who know what it means to be respected and uphold the law. And then there is Gonzalez.

The revelations began over the firing of eight U.S. Attorneys. Now there is a new revelation about Gonzalez trying to force the previous Attorney General to agree to anything the White House wanted. What else don't we know?

For the last 6 years, congressional oversight was nonexistent. What cases were priorities and what cases were not? And why not? What did and did not happen following the murder of an Assistant U.S. Attorney in Seattle?

My friend, Tom Wales, had been the Assistant U.S. Attorney in Seattle under the previous administration. He was a well-respected law enforcement officer known for his pursuit of white color criminals. He was also a vocal and strong advocate for gun control. Tom was shot and killed in his home while working at his computer one late night in October. If Tom was killed, as some suspect, because of those he brought to justice, then he died in the line of duty. No one has ever been charged, although there are news accounts that indicate authorities have a prime suspect.

Now there is a new suspicion. Did the White House want its appointee in Seattle, John McKay, fired in part because he was vigorously pursuing the Tom Wales case?

Someone sent me a blog recently asking the same fundamental question: Why would Justice not throw every available resource into finding Tom's killer? Why would they not want the investigation by their own U.S. Attorney in Seattle to proceed with every possible resource?

Some bloggers say it is all because of Tom's advocacy for gun control, but the answer may be tragically simpler. Maybe Gonzalez wanted the Republican U.S. Attorney appointee in Seattle to spend all his time on something else; to find or, if necessary, invent voter fraud in a close Washington governor's race, narrowly won by the Democrat. Could they have been that arrogant, that uncaring about the death of a good man, an Assistant U.S. Attorney? Most people would have dismissed that notion until recently. Now the revelations about the Attorney General and

the attitude he took toward cases, perhaps including the murder of a Federal officer in Seattle, cannot be adequately described by words like shocking.

At this point, I believe there are two necessary mandatory actions that must be taken. The Attorney General must go, now. His allegiance to partisan political interests above his oath to uphold the laws of the United States is outrageous.

Secondly, even if it requires the appointment of an outside independent prosecutor, the Justice Department should immediately, vigorously and conclusively investigate the murder of Tom Wales and not stop until the killer is charged and brought to justice. We owe that to Tom Wales, his family, and every law enforcement officer who risks his or her life every day in service to the American people.

[From the Washington Post, May 16, 2007]

MR. COMEY'S TALE: A STANDOFF AT A HOSPITAL BEDSIDE SPEAKS VOLUMES ABOUT ATTORNEY GENERAL GONZALES

James B. Comey, the straight-as-an-arrow former No. 2 official at the Justice Department, yesterday offered the Senate Judiciary Committee an account of Bush administration lawlessness so shocking it would have been unbelievable coming from a less reputable source. The episode involved a 2004 nighttime visit to the hospital room of then-Attorney General John D. Ashcroft by Alberto Gonzales, then the White House counsel, and Andrew H. Card Jr., then the White House chief of staff. Only the broadest outlines of this visit were previously known: that Mr. Comey, who was acting as attorney general during Mr. Ashcroft's illness, had refused to recertify the legality of the administration's warrantless wiretapping program; that Mr. Gonzales and Mr. Card had tried to do an end-run around Mr. Comey; that Mr. Ashcroft had rebuffed them.

Mr. Comey's vivid depiction, worthy of a Hollywood script, showed the lengths to which the administration and the man who is now attorney general were willing to go to pursue the surveillance program. First, they tried to coerce a man in intensive care—a man so sick he had transferred the reins of power to Mr. Comey—to grant them legal approval. Having failed, they were willing to defy the conclusions of the nation's chief law enforcement officer and pursue the surveillance without Justice's authorization. Only in the face of the prospect of mass resignations—Mr. Comey, FBI Director Robert S. Mueller III and most likely Mr. Ashcroft himself—did the president back down.

As Mr. Comey testified, "I couldn't stay, if the administration was going to engage in conduct that the Department of Justice had said had no legal basis." The crisis was averted only when, the morning after the program was reauthorized without Justice's approval, President Bush agreed to fix whatever problem Justice had with it (the details remain classified). "We had the president's direction to do . . . what the Justice Department believed was necessary to put this matter on a footing where we could certify to its legality," Mr. Comey said.

The dramatic details should not obscure the bottom line: the administration's alarming willingness, championed by, among others, Vice President Cheney and his counsel, David Addington, to ignore its own lawyers. Remember, this was a Justice Department that had embraced an expansive view of the president's inherent constitutional powers, allowing the administration to dispense with